

REMARKS

This Amendment is in response to the Office Action mailed September 5, 2007. Applicant respectfully traverses the rejections in their entirety. On November 30, 2007, the undersigned attorney conducted a telephone conference and discussed what elements of U.S. Patent No. 6,289,455 (Kocher) were construed as the “first value”, the “second value” and the “third value” as set forth in claims 1 and 14. The Examiner identified that the “rights key”, “KDM” and “CDK” were interpreted by him to constitute the “first value”, the “second value” and the “third value,” respectively.

Formal Request for Examiner's Interview

Applicant respectfully requests the Examiner to contact the undersigned attorney to discuss the allowability of the pending claims especially if, after his review, there are still outstanding rejections regarding patentability. The undersigned attorney can be reached at the telephone number listed below.

Rejection Under 35 U.S.C. § 102

Claims 1-14, 18-23, 27 and 28 were rejected under 35 U.S.C. §102(b) as being anticipated by Kocher (Patent No. 6,289,455). Applicant respectfully requests the Examiner to withdraw this rejection because a *prima facie* case of anticipation has not been established.

As the Examiner is aware, to anticipate a claim, the reference must teach every element of the claim. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Vergegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the...claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989). Herein, all of the claim limitations are not found in Kocher.

A. Claim 1

For instance, with respect to claim 1, the Office Action does not clearly identify the elements set forth in the claims. However, based on the presence of this §102 rejection, the USPTO alleges that Kocher describes control word key ladder logic to provide a second value (KDM) generated using the first value (rights key). We disagree.

As described at column 11, lines 40-50 of Kocher, the interface control processor (ICP) uses the key derivative message (KDM) to obtain a content decryption key (CDK) generator value. The CDK generator value may be an encrypted form of the CDK and part of the KDM. The KDM can identify whether the rights key is appropriate for processing each CDK generator. *However, the KDM (second value) is not generated using the rights key (first value).* Emphasis added. In contrast, the CDK generator is transformed by the rights key using pseudo-asymmetric function F_3 .

Additionally, claim 1 includes the limitation of a second cryptographic unit to decrypt incoming encrypted data using a first value (rights key). The “rights key” is a derivation of the content identifier for use in post-payment processing. *See column 11, lines 6-23 of Kocher.* The rights key, however, is not used for decryption of incoming encrypted data.

Hence, Applicant respectfully submits that claim 1 is in condition for allowance.

B. Claim 13

Similarly, with respect to claim 13, the Examiner has advised the undersigned attorney that he has construed the “rights key”, “KDM” and “CDK” as the “first value”, “second value” and “third value,” respectively. Applicant incorporates by reference the arguments set forth above and further traverses the rejection because a second value (KDM) is not recovered from a mating key generator undergoing a cryptographic operation using the first value (rights key) where the mating key generator is a message that comprises at least one of a set-top-box manufacturer identifier, a service provider identifier, a conditional access (CA) provider identifier and a mating key sequence number.

Hence, Applicant respectfully submits that claim 13 is in condition for allowance.

C. Claim 22

With respect to independent claim 22, the Examiner appears to have construed the “rights key”, “KDM” and “CDK” as the “first derivative key”, “mating key” and the “control word,” respectively. Applicant respectfully traverses the rejection because claim 22 includes at least two claim limitations that are not taught by Kocher, namely:

a second process block configured to generate a mating key from a mating key generator using the first derivative key, the mating key generator being a message that comprises at least one of a set-top-box manufacturer identifier, a service provider identifier, a conditional access (CA) provider identifier and a mating key sequence number, and

a third process block configured to recover a control word by decrypting an encrypted control word using the mating key.

As claimed, Applicant respectfully disagrees that the second process block, namely the process to access content as described on column 11 (lines 35-45) of Kocher, is configured to generate a mating key (KDM) from a mating key generator using the first derivative key (rights key). First, Kocher does not teach a mating key generator as claimed. Second, the rights key has not involvement in the generation of the KDM.

Moreover, Kocher does not describe a third process block configured to recover a control word (CDK) by decrypting an encrypted control word using the mating key (KDM). The KDM does not appear to be used for any decryption operations.

Hence, Applicant respectfully submits that claim 22 is in condition for allowance.

D. Claim 28

With respect to claim 28, similar to the arguments presented above, Kocher does not describe the recovery of the plurality of control words (CDKs) using the plurality of mating keys

(KDMs). Applicant incorporates the arguments made above and respectfully requests the Examiner to withdraw the rejection or to provide ample evidence in support of the rejection. Withdrawal of the outstanding §102(b) rejection is respectfully requested.

With respect to claims 2-12, 14, 18-21, 23 and 27, Applicant respectfully traverses the outstanding §102(b) rejection because a *prima facie* case of anticipation has not been established for these claims. Based on the dependency of the above-identified claims on independent claims 1, 13 and 22, which are believed by Applicant to be in condition for allowance, no further discussion as to the grounds for traversing the rejection is necessary. For illustrative purposes, however, we shall discuss a few of these claims to illustrate that Kocher clearly does not anticipate these claims.

In light of the foregoing, Applicant respectfully requests that the Examiner withdraw the outstanding §102(b) rejection.

Rejection Under 35 U.S.C. § 103

Claims 26 and 29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kocher. Applicant respectfully traverses the rejection because a *prima facie* case of obviousness has not been established.

As the Examiner is aware, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. *See MPEP §2143; see also In Re Fine, 873 F. 2d 1071, 5 U.S.P.Q.2D 1596 (Fed. Cir. 1988)*. Herein, Kocher does not teach or suggest all of the claim limitations and incorporates the arguments set forth above.

Withdrawal of the outstanding §103 rejection is respectfully requested.

Furthermore, claims 15-17, 24, 25 and 30-32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kocher in view of Wasilewski (U.S. Patent Publication No. 2004/003008). Herein, Applicant respectfully submits that neither Kocher nor Wasilewski, alone or in combination, describe or suggest all of the claim limitations set forth in these claims, especially those limitations denoted above in traversing the outstanding §102(b) rejection. Applicant incorporates these arguments by reference. Also, based on the dependency of the above-identified claims on independent claims 1, 13, 22 and 28, which are believed by Applicant to be in condition for allowance, no further discussion as to the grounds for traversing the rejection is necessary.

Applicant respectfully requests that the Examiner withdraw the rejection of claims 15-17, 24, 25 and 30-32 under 35 U.S.C. § 103(a) as being unpatentable over the combined teachings of Kocher and Wasilewski.

Conclusion

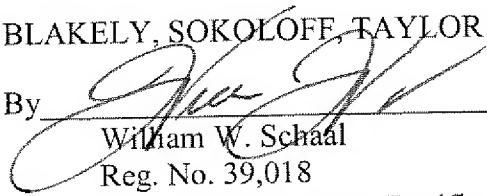
Applicant reserves all rights with respect to the applicability of the doctrine of equivalents. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: December 5, 2007

By


William W. Schaal
Reg. No. 39,018
Tel.: (714) 557-3800 (Pacific Coast)